

REMARKS

The application has been amended to overcome the examiner's objections and rejections.

Claim 4 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 5 of the specification it is stated that the pocket is on the "inside" of the brassiere and on page 7 it says it is on the "backside" of the brassiere. This description is unclear and confusing in that it appears that the pocket is attached to the inside surface of the front of the brassiere.

Claims 1-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 7-10 the description of the breast being in an "upper portion" was not clear. In line 9 there was no antecedent basis for "the lower breast". The claim did not positively recited the pad as being retained in the pocket but is just "capable of being positioned". Therefore it was not clear as to whether the bra structure with the pocket and the pad as being within the pocket is actually being positively claimed. The bra structure itself should have been recited first with the structure of the pad and with the pad being placed within the pocket since the pad is not removable from the pocket since an open opening to the pocket has not been claimed nor has a fastener on the pocket to allow for the removal or insertion of the pad within the pocket as desired. In regard to claim 4 the attachment of the pocket to the "backside" of the bra was confusing since the specification describes the pocket as being on the "inside" and then it describes it on the "backside" as discussed above. However, it appears that the pocket is on the "backside" of the front of the garment which is also the

inside surface of the front. In claim 5, line 2, the recitation "breasts between the breasts" was unclear. It is actually the "breast area" or "portions of the breast" that is between the breasts. Claim 1 could be amended as follows to clarify the above deficiencies:

A breast supporting brassiere to prevent wrinkles on the breasts and the chest skin between the breasts of a wearer while a wearer sleeps on their side and wherein when the wearer is positioned on their side one breast is in an upper position and the other breast lies there under in a lower position; the brassiere comprising:

a soft fabric brassiere comprising a body encircling portion with a pair of curved front portions for supporting the breasts of a woman and a centrally located retainer means positioned between the curved front portions adapted to retain the breast support pad there between; and

a breast support pad capable of being positioned between the breasts of the wearer, the support pad comprising a firm body having a vertical section with a thick midsection, a back surface capable of conforming to the chest surface between the breasts of the wearer and a concave curved cavity on each side of the vertical section capable of supporting either breast of the wearer while on their side to prevent the breast in the upper position from hanging down toward the breast in the lower position and thereby preventing wrinkling of the skin on the chest of the wearer between the breasts.

Claims 1-6 were objected to because of the following informalities: The reference to a specific female wearer such as "her" should be avoided and the "female" should be referred to as a generic "wearer". Appropriate correction was suggested above.

However, the claims, as best understood were examined on their merits. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 1 was amended using the wording suggested by the Examiner that overcomes the 112 rejection and was seen to be allowable if so amended. Therefore, claim 1 is now seen to be allowable.

Claim 4 was amended using the wording suggested by the Examiner changing "a back side of the bra" to an inside surface of the front of the brassiere, thereby overcoming the 112 rejection.

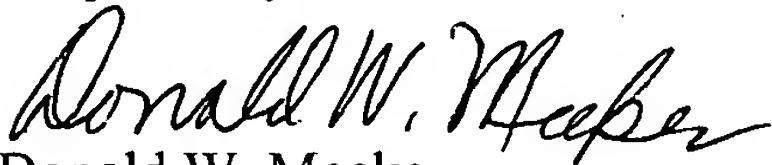
Claim 5 was amended using the wording suggested by the Examiner changing "the chest and breasts" to the breast area between the breasts", thereby overcoming the 112 rejection.

Claims 2-6 were seen to be allowable if rewritten to overcome the 112 rejections, therefore claims 2-6 are seen to be allowable.

In view of the above amendments and remarks, claims 1-6 are seen to be allowable. Reconsideration and allowance of claims 1-6 is respectfully requested.

No additional fee is seen to be due.

Respectfully submitted,



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